



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,875	09/29/2003	Bernard Rummel	09700.0063-00	9206

60668 7590 10/01/2008
SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
----------	--------------

2174

MAIL DATE	DELIVERY MODE
-----------	---------------

10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,875	Applicant(s) RUMMEL ET AL.	
	Examiner SIMON KE	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-9, and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 7/2/08.

Claims 1-2, 4-9, and 11-15 are pending in this application. Claims 1, 8, and 15 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. ("Coleman" US Patent No. 5,828,374) in view of Schirmer et al. ("Schirmer" US Patent No. 6,829,615) and Shalit et al. ("Shalit" US Patent No. 5,714,971) Coleman et al. ("Coleman II" US Patent No. 6,262,732)

Regarding independent claim 1, Coleman teaches a computer program product (FIGURE 1, col. 7 lines 52-55 of Coleman), tangibly embodied in an information carrier (50, 52, 55, 60, 62 of Coleman), comprising instructions operable to cause data processing apparatus (52, col. 7 lines 45-47 of Coleman) to:

display application data (138, col. 9 lines 41-45 of Coleman) in user interface elements (i.e. 176, "working area" 145, 150 of Coleman), the user interface elements comprising two or more independent elements (176, "plurality of letters" col. 11 lines 4-7

Art Unit: 2174

of Coleman) and one or more dependent elements (170, col. 9 lines 53-55 of Coleman), where one of the independent elements (176, "plurality of letters" col. 11 lines 4-7 of Coleman) can have the property of being the selected element (175, col. 9 lines 60-64, col. 10 lines 7-8 of Coleman), and where the application data displayed in the dependent elements, (170, col. 9 lines 60-62 of Coleman) is made to correspond to the application data displayed in the selected element (170, 175, 176, col. 10 lines 7-8 of Coleman),

receive user input from a user (col. 11 lines 20-28 of Coleman)

receive navigation input ("dragging the cursor and slider" col. 11 lines 20-23 of Coleman), to navigate from one user interface element to another user interface element ("over the desired letter" col. 11 lines 20-23 of Coleman), where in the normal mode ("releases switch" col. 11 lines 20~23 of Coleman), navigation to an independent element ("over the desired letter" col. 11 lines 20-23 of Coleman), causing the independent element to become the selected element ("a letter may be selected by ..." col. 11 lines 20-23 of Coleman), and where in the decoupled mode ("depressing switch" col. 11 lines 20-23 of Coleman), navigation to an independent element ("dragging the cursor and slider over the desired letter" col. 11 lines 20-23 of Coleman) does not change which, if any, of the independent elements ("plurality of letters" col. 11 lines 4-7 of Coleman) is the selected element ("at which point the user releases the switch" col. 11 lines 20-23 of Coleman, also note element not selected beneath cursor 44 in FIGURE 5 of Coleman).

Coleman does not teach navigation to an independent element with the navigation input is sufficient to cause the independent element to become the selected element or navigation input distinct from the user input.

Schirmer teaches navigation to an independent element with the navigation input is sufficient to cause the independent element to become the selected element (i.e. selected independent elements from navigation input in FIGS. 6-9 of Schirmer).

It would have been obvious to an artisan at the time of the invention to combine the selected independent elements from navigation input of Schirmer with the user interface elements of Coleman "to filter a list of data objects according to selected attribute values or entries" (col. 3 lines 42-43 of Schirmer). Neither Coleman nor Schirmer teaches the selected element or navigation input distinct from the user input.

Shalit teaches the selected element or navigation input distinct from the user input (i.e. clicked-on selected element (seen highlighted in "box") dragged without details being displayed in window, as seen in FIGS. 2B-2C and 3A-3C of Shalit).

It would have been obvious to an artisan at the time of the invention to combine the distinct navigation input of Shalit with the user interface elements of Coleman and the selected independent elements from navigation input of Schirmer so that "to view the contents of an object, you have ... choices" (col. 5 lines 34-35 of Shalit).

However, they fail to a decoupled mode when a key is pressed and held by the user, and to establish a normal mode when the key is released by the user.

Coleman II a decoupled mode when a key is pressed and held by the user, and to establish a normal mode when the key is released by the user; (see Coleman II col. 4, lines 1-15 ; it is inherent during a drag and drop operation no other item can be selected to be manipulated therefore drag and drop is decoupled mode)

It would have been obvious to an artisan at the time of the invention to combine the distinct navigation input of Coleman II with the user interface elements of Coleman, Schirmer, and Shalit in order to provide user with a drag drop operation.

As to claim 8, Coleman teaches a computer implemented method (FIGURES 18-19d of Coleman), comprising:

displaying application data in user interface elements (i.e. 176, "working area" 145, 150 of Coleman), the user interface elements comprising two or more independent elements (176, "plurality of letters" col. 11 lines 4-7 of Coleman) and one or more dependent elements (170, col. 9 lines 53-55 of Coleman), where one of the independent elements (176, "plurality of letters" col. 11 lines 4-7 of Coleman) can have the property of being the selected element (175, col. 9 lines 6-64, col. 10 lines 7-8 of Coleman), and where the application data displayed in the dependent elements (170, col. 9 lines 60-62 of Coleman) is made to correspond to the application data displayed in the selected element (170, 175, 176, col. 10 lines 7-8 of Coleman),

receiving user input from a user (col. 11 lines 20-28 of Coleman)

receiving navigation input ("dragging the cursor and slider" col. 11 lines 20-23 of Coleman), where in the normal mode ("releases switch" col. 11 lines 20-23 of Coleman), navigation to an independent element ("over the desired letter" col. 11 lines 20-23 of Coleman) causes the independent element to become the selected element ("a letter may be selected by ..." col. 11 lines 20-23 of Coleman), and where in the decoupled mode ("depressing switch" col. 11 lines 20-23 of Coleman), navigation to an independent element ("dragging the cursor and slider over the desired letter" col. 11 lines 20-23 of

Art Unit: 2174

Coleman) does not change which, if any, of the independent elements ('plurality of letters" col. 11 lines 4-7 of Coleman) is the selected element ("at which point the user releases the switch" col. 11 lines 20-23 of Coleman, also note element not selected beneath cursor 44 in FIGURE 5 of Coleman).

Coleman does not teach navigation to an independent element with the navigation input is sufficient to cause the independent element to become the selected element or navigation input distinct from the user input.

Schirmer teaches navigation to an independent element with the navigation input is sufficient to cause the independent element to become the selected element (i.e. selected independent elements from navigation input in FIGS. 6-9 of Schirmer).

It would have been obvious to an artisan at the time of the invention to combine the selected independent elements from navigation input of Schirmer with the user interface elements of Coleman "to filter a list of data objects according to selected attribute values or entries" (col. 3 lines 42-43 of Schirmer). Neither Coleman nor Schirmer teaches the selected element or navigation input distinct from the user input.

Shalit teaches the selected element or navigation input distinct from the user input (i.e. clicked-on selected element (seen highlighted in "box") dragged without details being displayed in window, (as see in FIGS. 2B-2C and 3A-3C of Shalit). It would have been obvious to an artisan at the time of the invention to combine the distinct navigation input of Shalit with the user interface elements of Coleman and the selected independent elements from navigation input of Schirmer so that "to view the contents of an object, you have choices" (col. 5 lines 34-35 of Shalit).

However, they fail to a decoupled mode when a key is pressed and held by the user, and to establish a normal mode when the key is released by the user.

Coleman II a decoupled mode when a key is pressed and held by the user, and to establish a normal mode when the key is released by the user. (see Coleman II col. 4, lines 1-15 ; it is inherent during a drag and drop operation no other item can be selected to be manipulated therefore drag and drop is decoupled mode)

It would have been obvious to an artisan at the time of the invention to combine the distinct navigation input of Coleman II with the user interface elements of Coleman, Schirmer, and Shalit in order to provide user with a comprehensive menu system.

As to claim 15, Coleman teaches an apparatus comprising:

means for displaying application data (138, col. 9 lines 41-45 of Coleman) in user interface elements (i.e. 176, "working area" 145, 150 of Coleman), the user interface elements comprising two or more independent elements (176, "plurality of letters" col. 11 lines 4-7 of Coleman) and one or more dependent elements (170, col. 9 lines 53-55 of Coleman), where one of the independent elements (176, "plurality of letters" col. 11 lines 4-7 of Coleman) can have the property of being the selected element (175, col. 9 lines 60-64 of Coleman, col. 10 lines 7-8 of Coleman), and where the application data displayed in the dependent elements (170, col. 9 lines 60-62 of Coleman) is made to correspond to the application data displayed in the selected element (170, 175, 176, col. 10 lines 7-8 of Coleman),

Art Unit: 2174

means for receiving user input from a user (col. 11 lines 20-28 of Coleman)

means for receiving navigation input ("dragging the cursor and slider" col. 11 lines 20-23 of Coleman), where in the normal mode ("releases switch" col. 11 lines 20-23 of Coleman), navigation to an independent element ("dragging the cursor and slider over the desired letter" col. 11 lines 20-23 of Coleman) causes the independent element to become the selected element ("a letter may be selected by ..." col. 11 lines 20-23 of Coleman), and where in the decoupled mode ("depressing switch" col. 11 lines 20-23 of Coleman), navigation to an independent element ("dragging the cursor and slider over the desired letter" col. 11 lines 20-23 of Coleman) does not change which, if any, of the independent elements ("plurality of letters" col. 11 lines 4-7 of Coleman) is the selected element ("at which point the user releases the switch" col. 11 lines 20-23 of Coleman, also note element not selected beneath cursor 44 in FIGURE 5 of Coleman).

Coleman does not teach navigation to an independent element with the navigation input is sufficient to cause the independent element to become the selected element or navigation input distinct from the user input.

Schirmer teaches navigation to an independent element with the navigation input is sufficient to cause the independent element to become the selected element (i.e. selected independent elements from navigation input in FIGS. 6-9 of Schirmer).

It would have been obvious to an artisan at the time of the invention to combine the selected independent elements from navigation input of Schirmer with the user interface

elements of Coleman "to filter a list of data objects according to selected attribute values

Art Unit: 2174

or entries" (col. 3 lines 42-43 of Schirmer). Neither Coleman nor Schirmer teaches the selected element or navigation input distinct from the user input.

Shalit teaches the selected element or navigation input distinct from the user input (i.e. clicked-on selected element (seen highlighted in "box") dragged without details being displayed in window, as seen in FIGS. 2B-2C and 3A-3C of Shalit).

It would have been obvious to an artisan at the time of the invention to combine the distinct navigation input of Shalit with the user interface elements of Coleman and the selected independent elements from navigation input of Schirmer so that "to view the contents of an object, you have ... choices" (col. 5 lines 34-35 of Shalit).

However, they fail to a decoupled mode when a key is pressed and held by the user, and to establish a normal mode when the key is released by the user.

Coleman II a decoupled mode when a key is pressed and held by the user, and to establish a normal mode when the key is released by the user; (see Coleman II col. 4, lines 1-15 ; it is inherent during a drag and drop operation no other item can be selected to be manipulated therefore drag and drop is decoupled mode)

It would have been obvious to an artisan at the time of the invention to combine the distinct navigation input of Coleman II with the user interface elements of Coleman, Schirmer, and Shalit in order to provide user with a comprehensive menu system.

As to claim 2, see the analysis of claim 1 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the computer program product of claim 1, further comprising instructions operable to: receive user input from a user ("dragging the

Art Unit: 2174

cursor and slider" col. 11 lines 20-23 of Coleman) switching to the normal mode ("releases switch" col. 11 lines 20-23 of Coleman) from the decoupled mode ("depressing switch" col. 11 lines 20-23 of Coleman) and thereupon cause the independent element specified by the most recently received navigation input ("over the desired letter" col. 11 lines 20-23 of Coleman) to become the selected element ("a letter may be selected by ..." col. 11 lines 20-23 of Coleman).

As to claim 4, see the analysis of claim 1 above. Coleman, in combination with Schirmer Shalit, and Coleman II teaches the computer program product of claim 3, wherein the key (e.g. 175 "F" in FIGURES 9-11, see also col. 11 lines 24-28 of Coleman) comprises a control key on a keyboard ("cursor control means includes ... a switch having a first position and second position ... such as ... keyboard inputs" col. 7 lines 1-10 of Coleman).

As to claim 5, see the analysis of claim 1 above. Coleman, in combination with Schirmer Shalit, and Coleman II teaches the computer program product of claim 1, further comprising instructions operable to: display application data in a table (i.e. table within "access window" 130 of Coleman) having two or more rows (i.e. row for "alpha scroll bar" 176 and rows for "topic area" 160 of Coleman) and one or more detail views (i.e. "working area" 145, 150 of Coleman), the rows being the independent elements and the one or more detail views being the dependent elements (i.e. note how dependent elements in detail view including "files" displayed when independent element "F"

Art Unit: 2174

selected in Coleman), where if one of the rows (i.e. row for "alpha scroll bar" 176 and rows for "topic area" 160 of Coleman) is the selected element (i.e. "F" and "files" respectively in FIGURES 10-11 of Coleman), the application data displayed in the detail views (i.e. "index entries" (i.e. "files" in FIGURES 10-11 of Coleman) and "phrases" (i.e. "find a file or folder?." in FIGURE 11) respectively in figures 10-11 of Coleman) is made to correspond to the application data displayed in the selected element (i.e. all "index entries" related to "F" are displayed, all "phrases" (i.e. "find a file or folder?." in FIGURE 11) related to "files" are displayed in Coleman).

As to claim 6, see the analysis of claim 1 above. Coleman, in combination with Schirmer Shalit, and Coleman II teaches the computer program product of claim 1, wherein the dependent elements (i.e. "working area" 145, 150 of Coleman) include first level elements ("index entries" FIGURES 10-11 of Coleman) and second level elements ("phrase" FIGURES 10-11 of Coleman), where one of the first level elements can have the property of being the first level selected element (i.e. "files" in FIGURES 10-11 of Coleman), and where the application data displayed in the second level elements is made to correspond to the application data displayed in the first level selected element (i.e. "How do I ... find a file or folder?." in FIGURE 11 of Coleman), further comprising

instructions operable to: receive user input to navigate to first level elements (i.e. "placement of the cursor 44 over an entry" col. 10 lines 9-10 of Coleman), where in the normal mode (i.e. "momentary clicking of the switch on the mouse col. 10 lines" 10-11 of Coleman), navigation to a first level element (i.e. "placement of the cursor over an entry"

Art Unit: 2174

col. 10 lines 9-10 of Coleman) causes the first level element to become the selected element (i.e. note outline around "files" in figures 10-11 of Coleman), and where in the decoupled mode ("user releases the switch on the mouse" col. 10 lines 6-7 of Coleman), navigation to a first level element ("placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) does not change which, if any, of the first level elements is the selected element (i.e. note element not selected beneath cursor 44 in FIGURE 5 of Coleman).

As to claim 7, see the analysis of claim 6 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the computer program product of claim 6, further comprising instructions operable to: receive user input (i.e. "placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) from a user switching to the normal mode (i.e. 'momentary clicking of the switch on the mouse col. 10 lines" 10-11 of Coleman) from the decoupled mode ("user releases the switch on the mouse" col. 10 lines 6-7 of Coleman) and thereupon cause the first level element specified by the most recently received navigation input (i.e. "placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) to become the first level selected element (i.e. note cursor 44 selecting "files" in FIGURE 10 of Coleman).

As to claim 9, see the analysis of claim 8 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the method of claim 8, further comprising: receiving user input from a user ("dragging the cursor and slider" col. 11 lines 20-23 of Coleman) switching to the normal mode ("releases switch" col. 11 lines 20-23 of Coleman) from the decoupled mode ("depressing switch" col. 11 lines 20-23 of Coleman)

Art Unit: 2174

and thereupon cause the independent element specified by the most recently received navigation input ("over the desired letter" col. 11 lines 20-23 of Coleman) to become the selected element ("a letter may be selected by ..." col. 11 lines 20-23 of Coleman).

As to claim 11, see the analysis of claim 8 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the method of claim 10, wherein the key (e.g. 175 "F" in FIGURES 9-11 of Coleman, see also col. 11 lines 24-28 of Coleman) comprises a control key on a keyboard ("cursor control means includes ... a switch having a first position and second position ... such as ... keyboard inputs" col. 7 lines 1-10 of Coleman).

As to claim 12, see the analysis of claim 8 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the method of claim 8, further comprising: displaying application data in a table (i.e. table within "access window" 130 of Coleman) having two or more rows (i.e. row for "alpha scroll bar" 176 and rows for "topic area" 160 of Coleman) and one or more detail views (i.e. "working area" 145, 150 of Coleman), the rows being the independent elements and the one or more detail views being the dependent elements (i.e. note how dependent elements in detail view including "files" displayed when independent element "F" selected in Coleman), where if one of the rows (i.e. row for "alpha scroll bar" 176 and rows for "topic area" 160 of Coleman) is the selected element (i.e. "F" and "files" respectively in FIGURES 10-11 of Coleman), the application data displayed in the detail views (i.e. "index entries" (i.e. "files" in FIGURES 10-11 of Coleman) and "phrases" (i.e. "find a file or folder?" in FIGURE 11) respectively in figures 10-11 of Coleman) is made to correspond to the application data

Art Unit: 2174

displayed in the selected element (i.e. all "index entries" related to "F" are displayed, all "phrases" (i.e. "find a file or folder?" in FIGURE 11 of Coleman) related to "files" are displayed).

As to claim 13, see the analysis of claim 8 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the method of claim 8, wherein the dependent elements (i.e. "working area" 145, 150 of Coleman) include first level elements ("index entries" FIGURES 10-11 of Coleman) and second level elements ("phrase" FIGURES 10-11 of Coleman), where one of the first level elements can have the property of being the first level selected element (i.e. "files" in FIGURES 10-11 of Coleman), and where the application data displayed in the second level elements is made to correspond to the application data displayed in the first level selected element (i.e. "How do I ... find a file or folder?." in FIGURE 11 of Coleman), the method further comprising: receiving user input to navigate to first level elements (i.e. "placement of the cursor 44 over an entry" col. 10 lines 9-10 of Coleman) where in the normal mode (i.e. "momentary clicking of the switch on the mouse col. 10 lines" 10-11 of Coleman), navigation to a first level element ("placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) causes the first level element to become the selected element (i.e. note outline around "files" in figures 10-11 of Coleman), and where in the decoupled mode ("user releases the switch on the mouse" col. 10 lines 6-7 of Coleman), navigation to a first level element ("placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) does not change which, if any, of the first level elements is the selected element (i.e. note element not

Art Unit: 2174

selected beneath cursor 44 in FIGURE 5 of Coleman).

As to claim 14, see the analysis of claim 13 above. Coleman, in combination with Schirmer, Shalit, and Coleman II teaches the method of claim 13, further comprising: receiving user input from a user (i.e. "placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) switching to the normal mode (i.e. "momentary clicking of the switch on the mouse col. 10 lines, 10-11 of Coleman) from the decoupled mode ("user releases the switch on the mouse" col. 10 lines 6-7 of Coleman) and thereupon cause the first level element specified by the most recently received navigation input (i.e. "placement of the cursor over an entry" col. 10 lines 9-10 of Coleman) to become the first level selected element (i.e. note cursor 44 selecting "files" in FIGURE 10 of Coleman).

Response To Argument

Applicant's arguments filed 7/2/08 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

A) Coleman II fails to teach decoupled mode where navigation to an independent element does not change which, if any, of the independent elements is the selected element."

A) Examiner disagrees. Coleman teaches this limitation because when the user is performing a drag and drop operation, the movement of the cursor in respect to an independent element does not change the selection of the independent because the

Art Unit: 2174

selected of the element is locked during drag and drop procedure and cursor's movement will not change this selection. (see Coleman II col. 4, lines 1-15)

B) There is no motivation to combine Coleman II with the method of Coleman, Schirmer, and Shalit.

B) The Supreme Court Stated that the Federal Circuit had erred when it applied the well-known teaching-suggestion-motivation (TSM) test in an overly rigid and formalistic way. Specifically, as the Supreme Court pointed out, the Federal Circuit had erred in four ways:

- (1) "by holding that courts and Patent examiners should look only to the problem the patentee was trying to solve;"
- (2) by assuming "that a person of ordinary skill attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem;"
- (3) by concluding "that a patent claim cannot be proved obvious merely by showing that the combination of elements was 'obvious to try,'" and
- (4) by overemphasizing "the risk of court and patent examiners falling prey to hindsight bias" and as a result applying "rigid preventative rules that deny fact finders recourse to common sense." KSR, 82 USPQ2d at 1397.

In the present case, the combination of Coleman II and Coleman et al. is obvious to one of ordinary skilled in the art because the combination will provide user with a comprehensive and intuitive menu system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2174

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2174

Peng Ke

/Peng Ke/

Examiner, Art Unit 2174